

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

938 CRIMINAL APPLICATION NO.412 OF 2021

**ARCHANA W/O. SAMBHAJI JAGDALE AND OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants: Mr. Narwade Narayan B.

APP for Respondent No.1: Mr. M. M. Nerlikar

Advocate for Respondent No.2:

Mr. Shardul G. Shinde h/f. Mr. A. K. Bhosale

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**CORAM: SARANG V. KOTWAL &
BHARAT P. DESHPANDE, JJ.**

DATE: 05th JULY, 2022

PER COURT:

1. This is an Application for quashing of the proceedings pending before the Chief Judicial Magistrate First Class, Aurangabad vide R.C.C. No.1903 of 2021 under Sections 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code, 1860. The proceedings arise out of C.R. No.0295/2020 registered at Jawahar Nagar Police Station, Aurangabad dated 02.11.2020.

2. The F.I.R. is lodged by Sayli Jitendra Bhagwat. She was married to Jitendra Bhagwat. The Applicant Nos.1, 2 and 3 are Jitendra's married

sisters. Applicant No.4 is husband of Applicant No.3.

3. We have heard learned Counsel for respective parties.

4. The informant in her F.I.R. had stated that she got married on 16.02.2020 at Aurangabad. In the marriage her parents gave her golden ornaments and had given household articles. They had spent about 40 to 50 Lakh Rupees. For initial few days the informant was treated properly but after that the family members of the husband including all the Applicants started passing uncharitable remarks against her. It is alleged that they were complaining that sufficient dowry was not paid. The mother-in-law and sisters-in-law used to say that the informant's parents did not give sufficient dowry. It is further alleged that the informant was staying in with her husband in a flat at Pune. The Applicant Suvarna and her husband Rahul were residing in a flat on the floor below informant's flat. They did not let her have

enough food. There are further allegations specifically against the husband. On 16.03.2020 she was driven out of her matrimonial house. In June 2020, the informant was sent to reside at Aapegaon at her sister-in-law Archana's house. There also they used to abuse and assault her. There are further allegations against the husband and mother-in-law on which basis the F.I.R. is lodged.

5. Learned Counsel for the Applicants submitted that there are general and vague allegations against the Applicants. They were residing at Pune in a separate flat. Therefore, there was no reason for these Applicants to cause any harassment. He submitted that even the statements in the charge-sheet do not support the prosecution case against the present Applicants.

6. Learned APP as well as learned Counsel for the Respondent No.2 opposed this Application. They submitted that the allegations in the F.I.R.

are sufficiently clear and therefore the offences are made out against all these Applicants.

7. We have considered these submissions. We have already reproduced the main allegations in the F.I.R. Apart from that, there are statements of other witnesses namely the informant's brother Sagar, mother Rohini, father Amarnath, family friend Ashok etc. All these statements basically reproduced the same allegations made in the F.I.R. There is statement of one Atish Aute. He has spoken about an incident which had taken place on 09.06.2020. He has stated that, on that day, he had seen that there was quarrel in the house of the informant's sister-in-law Archana's house and at that time the Applicant Archana was also present. The Informant was abused by them and the informant's husband slapped her. Even in this statement, only allegation of some quarrel is alleged against the Applicant Archana. Apart from that, there is nothing in the charge-sheet against all the Applicants. They were residing separately.

8. Applicant Nos.1, 2 and 3 are married sisters of the husband of the informant and Applicant No.4 is husband of Applicant No.3 as mentioned earlier. Continuation of these criminal proceedings against all these Applicants will amount to abuse of process of law. No purpose will be served by continuation of these proceedings.

9. The Application is allowed in terms of prayer Clause B-1. The proceedings pending before the Chief Judicial Magistrate First Class, Aurangabad vide R.C.C. No.1903 of 2021 are quashed and set aside *qua* the present Applicants alone.

10. With these observations, Criminal Application is disposed of.

[BHARAT P. DESHPANDE, J.] [SARANG V. KOTWAL, J.]

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